

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	22/11/2023
Planning Manager / Team Leader authorisation:	ML	23/11/2023
Planning Technician final checks and despatch:	ER	23/11/2023

Application: 23/01118/FULHH **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr and Mrs Roye

Address: Beccles Rainham Way Frinton On Sea

Development: Proposed bonnet-hipped roof conversion incorporating a raised ridge height, new flat roof with glazed roof lantern to rear extension, front porch and new outbuilding to rear.

1. Town / Parish Council

FRINTON AND WALTON
TOWN COUNCIL

Recommend approval

2. Consultation Responses

Environmental Protection
29.08.2023

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

STANDARD CONSTRUCTION - MINIMUM REQUIREMENT

In order to minimise potential nuisance caused by ground works and construction, Environmental Protection recommend that the following below is conditioned.

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Essex County Council
Heritage
08.09.2023

The application is for proposed bonnet-hipped roof conversion incorporating a raised ridge height, new flat roof with glazed roof lantern to rear extension, front porch and new outbuilding to rear.

The proposal site is within the boundaries of the Frinton Park Conservation Area. This is the area included in Oliver Hill's

masterplan in 'Modern Movement' style for a residential development, a college, churches and a 100-room luxury hotel. The Estate Office and some houses were built, but the scheme was never completed, and conventional houses were built instead. Central Avenue, Quendon Way, Warley Way and Rainham Way, in the area surrounding the proposal site, all contain unexceptional bungalows on both sides, with a variety of garden frontage treatments, which make a neutral contribution to the character and appearance of the Conservation Area.

The site has been subject to a number of planning applications and pre-application advice, which included a site visit and meeting with the applicant in order to agree a sympathetic development of this site to improve the current habitable space and provide first floor accommodation and a dormer to the south slope.

As previously advised, while preference would be given to the retention of the gabled ends on both the north and west elevations and of the pitched roof to the south range, the proposed roof is not considered to result incongruous within the street scape. The removal of the side garage, which was originally proposed at pre-app stage, contributes to reduce the extension of the proposed flat roof and is therefore not considered to have a negative impact on the character and appearance of the Conservation Area.

As previously advised, the existing chimney should be retained. Chimneys are prominent features within the Conservation Area and contribute to its character and appearance and to the street scene.

The proposed porch, which is 1.9m deep, results prominent and intrusive in views along Rainham Way and should be resized accordingly and side windows removed.

While the insertion of a dormer to the south pitch is considered acceptable, a more traditional design would be more appropriate in this location. There are examples of balconies within the Conservation Area, however these are limited to the rear elevations and generally not visible or not in prominent position within the street scene.

Rooflights are a non-traditional type of fenestration which are not considered in keeping with the local character and should be avoided in Conservation Area. Conservation rooflights would contribute to minimise the visual impact of this proposal on the street scene, however I advise these are limited to habitable spaces where natural light and ventilation are not achievable otherwise and reduced in number.

Windows to the gabled end elevations should be resized and relocated in order to reflect the proportions of the existing openings.

Summer House/workshop

There is no objection in principle to the construction of a summer house in this location, however the footprint of the proposed outbuilding is considered out of scale and should be reduced and set back from the street front. Due to the location of the proposal site, the summer house would be fully visible from Rainham Way, therefore a more subtle design and light weight construction could be considered more appropriate in this location. A site plan/block plan including the proposed outbuilding and a detailed landscape layout, with

information on hardstanding materials and boundary treatment, would also be required.

Due to the prominent position of the existing dwelling, it is advised that existing and proposed street scene along Rainham Way and Warley Way, showing the relationship between the proposal site and the adjoining properties in terms of scale and design, is also submitted for approval as part of any further application.

If alterations are made to the proposals as previously advised, then there would be no objection to this application. However, in their current form, the proposed fail to make a positive contribution to local character and distinctiveness, as set out in Paragraph 197c of the NPPF.

3. Planning History

00/01736/TCA	Fell Cupressus; pruning work to other trees as necessary	Approved	09.11.2000
21/00403/FUL	Erection of attached garage, garden room and porch. Proposed first floor extension to form habitable space in roofspace and internal and external alterations	Refused	18.06.2021
21/01493/FULHH	Proposed erection of attached garage, porch and provision of new vehicular access. Proposed first floor extension to form 2 bedrooms, en suite and balcony. With internal and external alterations.	Refused	11.11.2021
22/00085/FULHH	Proposed extensions and alterations.	Refused	20.05.2022
23/01118/FULHH	Proposed bonnet-hipped roof conversion incorporating a raised ridge height, new flat roof with glazed roof lantern to rear extension, front porch and new outbuilding to rear.	Current	

4. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework July 2023 (NPPF)

National Planning Practice Guidance (NPPG)

LOCAL:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021):

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022):

SPL1 Managing Growth

SPL3 Sustainable Design
LP3 Housing Density and Standards
LP4 Housing Layout
PPL3 The Rural Landscape
PPL8 Conservation Areas

Supplementary Planning Guidance:
Essex Design Guide

Local Planning Guidance:
Essex County Council Car Parking Standards - Design and Good Practice
No emerging or adopted neighbourhood plan

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a detached bungalow which fronts Warley Way and Rainham Way within the development boundary and Frinton-on-Sea Conservation Area.

Proposal

This application seeks planning permission for a proposed bonnet-hipped roof conversion incorporating a raised ridge height, new flat roof with glazed roof lantern to rear extension, front porch and new outbuilding to rear.

The proposal has since been amended to show a redesign of the rear facing dormer window, minor design improvements to the porch and planting to the front boundary to assist in screening the proposed outbuilding.

Assessment

Alterations to roof

The alteration will result in a change to a pitched roof with bonnet hips allowing for the first floor to be used as a bedroom. The proposed change to the existing property will be a noticeable and prominent change to the existing house given its contrast to the existing roof design and the site's corner plot setting.

The local area itself comprises of a mixture of differently designed houses varying size, design and materials. Whilst the redesign of the roof will change the overall character/ appearance of the house, the end product would still allow for the house to remain distinctive contributing to the existing diverse character of the local area.

The proposed dormer window will be a suitable enlargement to the new roof of the existing house and will achieve views mainly from Warley Way. This addition has been reduced in size to be smaller in comparison to the existing house and other elements of the development and will therefore not result in harmful impact to the appearance/ character of the house or locale.

The proposal is of a suitable design and scale which will be finished in materials which are consistent with the existing house and local area.

As the site is located within the conservation area, Place Services (Heritage) have provided feedback on this part of the scheme;

ECC Heritage - "As previously advised, while preference would be given to the retention of the gabled ends on both the north and west elevations and of the pitched roof to the south range, the proposed roof is not considered to result incongruous within the street scape. "

Officer Response - The proposal will retain large elements of the existing side wall of the host dwelling allowing for a slight hip to the top. This is an appropriate change to the house which would be suitable given the diverse character of the area and is considered not to have a harmful impact to the character/ appearance of the conservation area.

ECC Heritage - "As previously advised, the existing chimney should be retained. Chimneys are prominent features within the Conservation Area and contribute to its character and appearance and to the street scene. "

Officer Response - The amended plans provided show that the existing chimney will be retained and reinstated with a slight height increase to accommodate the new roof height.

ECC Heritage - While the insertion of a dormer to the south pitch is considered acceptable, a more traditional design would be more appropriate in this location. There are examples of balconies within the Conservation Area, however these are limited to the rear elevations and generally not visible or not in prominent position within the street scene.

Officer Response - The proposed dormer window has been reduced and redesigned to relate better to the host dwelling and surrounding area.

ECC Heritage - Rooflights are a non-traditional type of fenestration which are not considered in keeping with the local character and should be avoided in Conservation Area. Conservation rooflights would contribute to minimise the visual impact of this proposal on the street scene, however I advise these are limited to habitable spaces where natural light and ventilation are not achievable otherwise and reduced in number. Windows to the gabled end elevations should be resized and relocated in order to reflect the proportions of the existing openings."

Officer Response - The size of the windows has since been amended to be more proportionate to the house. The use of conservation rooflights is accepted by ECC Heritage and their size and siting is considered suitable to the house and would not have an impact to the character/ appearance of the conservation area.

The house is sited a sufficient distance away from each of the shared boundaries allowing for the change and raising of the roof without causing a significant loss of light and outlook to neighbouring sites.

The alterations include a new dormer window and 3 no. Velux windows which will look over to 2 Warley Way.

The proposed Velux windows are positioned high within the roofslope and are small meaning any views will be minimal and not directed into the house of 2 Warley Way or its private garden area. The loss of privacy resulting from these elements would not be so significant to refuse planning permission upon in this instance.

The proposed opening within the dormer enlargement will serve a new bedroom. The adjacent neighbour is an existing bungalow type dwelling with a garage which runs along the shared boundary. There are no first-floor openings within the side elevation or roofslope of this house. The proposed opening within the dormer window will therefore achieve views onto this neighbour's roofslope and driveway area, and not within any private areas of this neighbour's house or site. Therefore, there is no significant loss of privacy resulting from this element of the project.

New Lantern and flat roof to extension

The alterations to the existing house will result in a change to the existing hipped roof formation of the rear extension to a flat roof with a glazed lantern. This element is located to the side of the house and is therefore publicly visible. The alteration here will be set back from the front and side walls of the existing house's respective boundaries, thereby preventing it from appearing as a prominent or harmful change to the existing house and surrounding area. The alterations will still allow for the extension to be of a single storey design protruding from under the eaves of the new roof which has been assessed above. This approach is considered suitable in relation to the other proposals and would not appear as a prominent or harmful feature.

ECC Heritage comments provide the following feedback of this element of the proposal:

"The removal of the side garage, which was originally proposed at pre-app stage, contributes to reduce the extension of the proposed flat roof and is therefore not considered to have a negative impact on the character and appearance of the Conservation Area."

Officer Response - The proposed change to the existing extension given its small-scale nature and siting away from shared boundaries is considered not to result in a harmful impact to the appearance/ character of the conservation area.

The proposed alterations to the rear extension will be sited a suitable distance from the shared boundaries and is of a small-scale nature which would not result in an adverse impact to the amenities of neighbouring sites.

Proposed Porch

The porch will be a publicly visible new addition to the house; however, it will be suitably set back from the front boundary and lower in height compared to the host dwelling allowing it to appear as a subservient addition to the existing house. The design of the proposed porch has previously been amended to allow for more detailing to be shown. The new design and small scale of this element of the project will allow it to appear as appropriate feature to the house which would not be detrimental to its character/ appearance or that of the local area.

"The proposed porch, which is 1.9m deep, results prominent and intrusive in views along Rainham Way and should be resized accordingly and side windows removed."

Officer Response - The proposed porch will retain its 1.9m depth and side facing windows in a contrast to the above comments. Whilst this element will be noticeable within the protected area it will be sited suitably back from shared boundaries maintaining a lower height to the existing house preventing it from appearing overly prominent. The impact in this regard to the conservation area is considered minimal and not sufficient enough to refuse planning permission upon in this instance.

The proposed porch will be sited a suitable distance from the shared boundaries and is of a small-scale nature which would not result in an adverse impact to the amenities of neighbouring sites.

Outbuilding

The proposed outbuilding will be sited to the side of the site and due to the corner plot setting will be visible from Rainham Way. The single storey design of the outbuilding and its set back from the front boundary together with hedging along the front boundary will reduce views of the proposal onto Rainham Way limiting its prominence and preventing it from having a harmful impact to the appearance/ character of the site and locale.

The planting shown on drawing No 02 Revision B will be vital in screening large amounts of the development and therefore a condition will be imposed to secure its implementation and retention.

The below comments have been received by ECC Heritage Comments in regard to this element;

"There is no objection in principle to the construction of a summer house in this location, however the footprint of the proposed outbuilding is considered out of scale and should be reduced and set back from the street front. Due to the location of the proposal site, the summer house would be fully visible from Rainham Way, therefore a more subtle design and light weight construction could be considered more appropriate in this location. A site plan/block plan including the proposed

outbuilding and a detailed landscape layout, with information on hardstanding materials and boundary treatment, would also be required.

Due to the prominent position of the existing dwelling, it is advised that existing and proposed street scene along Rainham Way and Warley Way, showing the relationship between the proposal site and the adjoining properties in terms of scale and design, is also submitted for approval as part of any further application"

Officer Response - The amended block plan shows mature planting sited along the front boundary which will screen much of the outbuilding in line with the above comments. The planting proposed is considered suitable to screen the majority of the development, preventing it from significantly resulting in harm to the character/ appearance of the conservation area.

The proposed outbuilding will be set within close proximity to the shared boundaries of 2 Warley Way and 16 Central Avenue. These nearby houses are positioned further forward on their plots with the new outbuilding only being visible towards the rear of their gardens. The outbuilding will have a flat roof design which will be largely screened by existing boundary treatment reducing its impact further. This part of the proposal will therefore not result in a significant loss of amenities to neighbouring sites.

Contaminated Land

The site is located on an area of contaminated land and therefore the Environmental Protection Team have been consulted. They have provided no objections subject to conditions regarding construction times and the prevention of burning materials within the site.

These conditions shall be applied to the planning permission.

Other Considerations

Frinton and Walton Town Council recommend approval for the application.

There have been no letters of representation received.

Conclusion

The proposal is therefore considered to be compliant with national and local policy as assessed in the above report. In the absence of material harm resulting from the proposed development the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Site Plan - Rec 07/08/2023

01F

02B

Heritage Impact Statement - Rec 16/08/2023

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3 CONSTRUCTION HOURS

No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

Reason - To protect amenities of neighbouring sites.

4 BURNING OF MATERIALS

No materials produced as a result of the site development or clearance shall be burned on site.

Reason - To protect amenities of neighbouring sites.

5 COMPLIANCE REQUIRED: RETENTION OF EXISTING PLANTING FEATURE

CONDITION: The hedging shown on drawing no 02 B along the boundary of Rainham Way shall, once planted, be retained at a minimum height of 1.5m. Should the hedge be removed without such consent, it shall be replaced with plant/s of appropriate size and species during the first planting season following commencement of development or removal.

REASON: To enable existing landscaping to be protected and retained in the interests of visual amenity.

6 COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

8. **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Environmental Informative

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

9. **Equality Impact Assessment**

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral